

Message

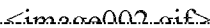
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**From:** Enck, Judith [Enck.Judith@epa.gov]  
**Sent:** 3/1/2016 2:54:52 AM  
**To:** Mears, Mary [Mears.Mary@epa.gov]  
**CC:** Plevin, Lisa [Plevin.Lisa@epa.gov]  
**Subject:** Re: News Clips (PFOA) - includes the Times article from today

Of course you did. You are doing an amazing job. I am just sitting down to read the full ny times and see that the hoosick falls story is on the front page.

Sent from my iPhone

On Feb 29, 2016, at 9:17 AM, Mears, Mary <[Mears.Mary@epa.gov](mailto:Mears.Mary@epa.gov)> wrote:



## Ex. 5 - Deliberative Process

Mary Mears  
Deputy Director Public Affairs and Chief Public Outreach Branch  
U.S. EPA Region 2 (NJ, NY, PR, the US VI and eight Indian Nations)  
(212) 637-3673 (Direct Office)  
(212) 637-3660 (General Office)  
(646) 369-0077 (Cell)

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**From:** Harrison, Melissa  
**Sent:** Monday, February 29, 2016 9:16 AM  
**To:** Mears, Mary <[Mears.Mary@epa.gov](mailto:Mears.Mary@epa.gov)>  
**Subject:** RE: News Clips (PFOA) - includes the Times article from today

NYT looks like it turned out ok. I thought you gave him our info on background though. Surprised to see you quoted.

Melissa J. Harrison  
Press Secretary  
U.S. Environmental Protection Agency  
Office: (202) 564-8421  
Mobile: (202) 697-0208  
[Harrison.Melissa@epa.gov](mailto:Harrison.Melissa@epa.gov)

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**From:** Mears, Mary  
**Sent:** Monday, February 29, 2016 9:00 AM  
**To:** Harrison, Melissa <[Harrison.Melissa@epa.gov](mailto:Harrison.Melissa@epa.gov)>  
**Cc:** Milbourn, Cathy <[Milbourn.Cathy@epa.gov](mailto:Milbourn.Cathy@epa.gov)>; Perry, Dale <[Perry.Dale@epa.gov](mailto:Perry.Dale@epa.gov)>; Abrams, Dan <[Abrams.Dan@epa.gov](mailto:Abrams.Dan@epa.gov)>; Loop, Travis <[Loop.Travis@epa.gov](mailto:Loop.Travis@epa.gov)>; Deegan, Dave <[Deegan.Dave@epa.gov](mailto:Deegan.Dave@epa.gov)>  
**Subject:** FW: News Clips (PFOA) - includes the Times article from today

# Ex. 5 - Deliberative Process

**From:** Rodriguez, Elias **On Behalf Of** Region2 PAD News

**Sent:** Monday, February 29, 2016 8:54 AM

**To:** R2 EPA Region 2 (EPA Staff) <[R2\\_EPA\\_Region\\_2\\_EPA\\_Staff@epa.gov](mailto:R2_EPA_Region_2_EPA_Staff@epa.gov)>

**Subject:** News Clips (PFOA)

## **New York Times: Fears About Water Supply Grip Village That Made Teflon Products**

By JESSE MCKINLEY

FEB. 28, 2016

Photo Downtown Hoosick Falls, N.Y., a village of 3,500 people about 30 miles northeast of the Albany. Credit Nathaniel Brooks for The New York Times

HOOSICK FALLS, N.Y. — One resident called 911 asking whether the village's water would burn his skin off. Families have lined up to have their blood drawn and their wells tested. Banks stopped giving out mortgages, and some local residents stopped washing their dishes, their clothes and themselves. Erin Brockovich has been to town.

Such are the unpleasant contours of a public health emergency that is playing out in Hoosick Falls, a quiet river-bend village near the New York-Vermont border that has been upended by disclosures that the public water supply was tainted with high levels of perfluorooctanoic acid, or PFOA, a toxic chemical linked in some studies to an increased risk for cancer, thyroid disease and serious complications during pregnancy.

Last week, a federal class-action lawsuit was filed against Saint-Gobain Performance Plastics and Honeywell International, the current and former owners of the plant that, according to the state, was the source of the PFOA contamination. The toxic chemical is associated with the making of Teflon, which was used in products manufactured at the plant.

Photo Saint-Gobain Performance Plastics is the owner of the plant that New York State officials identified as the source of the perfluorooctanoic acid in Hoosick Falls's water supply. Credit Mike Groll/Associated Press

After the revelation of lead contamination in Flint, Mich., where Gov. Rick Snyder's response was widely criticized, the situation in Hoosick Falls has provoked both deep concern about water quality and a heightened scrutiny of how public officials have responded.

In New York, elements of the state's response have been repeatedly questioned. Nearly a year and a half passed, for instance, from the time the chemical was discovered in the water — by a concerned resident — to the warning from state health officials that residents avoid drinking it.

In the interim, state and local officials assured the public on several occasions that the water was safe — most recently in December, even after the federal Environmental Protection Agency had recommended to the village's mayor that residents avoid using Hoosick's well water. Gov. Andrew M. Cuomo and other officials have defended their response, saying they have acted as aggressively as possible with the information they have — noting shifting federal standards on the contaminant, which is as yet unregulated.

But many residents here believe the damage has already been done in Hoosick Falls, a village of 3,500 about 30 miles northeast of the State Capitol in Albany, whose previous claim to fame was being the resting place of Grandma Moses, whose bucolic, childlike images still adorn walls around town.

Now, however, the village's very name — pronounced who-sick — seems to be a cruel joke.

"I feel like we're a stigma," said Cindy Sprague, 67, a retired waitress who has lived here for more than 40 years. "And I feel like we're going to become a ghost town."

The situation in Hoosick Falls has led to heightened and some frightened awareness of PFOA and other potentially hazardous chemicals, with worries rippling out to neighboring towns, over state lines and across the nation. On Feb. 20, state officials announced that PFOA had also been found in the water in Petersburg, N.Y., 10 miles south of Hoosick Falls. On Thursday, Gov. Peter Shumlin of Vermont announced that wells in North Bennington — just east of Hoosick Falls — had also tested positive for the chemical.

Across the nation, concern over contamination has risen in places like Seattle, where the city recently sued the agribusiness giant Monsanto over chemical pollution in the Duwamish River, and in Minnesota, where a state report issued last week found that up to 60 percent of groundwater samples from wells in the central part of the state had unsafe levels of nitrates. Polls show that nearly half of Americans are concerned about their water supply.

Photo New York State has conducted tests of Hoosick Falls residents' blood, searching for the presence of PFOA. Credit Nathaniel Brooks for The New York Times

And if Flint is the national standard-bearer for water woes, Hoosick Falls seems to be a local surrogate: Last week, officials in Bethlehem, N.Y., a suburb of Albany, tried to tamp down fears about high levels of trihalomethanes, a common byproduct of chlorination in their water. "Current events in other communities, such as Hoosick Falls and Flint, Mich.," a statement read, "are very different."

Faced with the worst environmental crisis of Mr. Cuomo's five-year-old administration, the Department of Health and the Department of Environmental Conservation have been constant presences in Hoosick Falls in recent weeks, testing villagers' blood and private wells for PFOA. The state has pledged \$10 million to install new filtration systems for the village — using recently unlocked state Superfund money — and on Friday, officials announced that a temporary filtration system had been installed and that the village's water mains were being flushed.

"We've been very active in Hoosick Falls from Day 1," Mr. Cuomo, a Democrat, said on Thursday.

According to documents and accounts posted on the village's website, state health officials were informed of possible contamination as far back as August 2014, but did not raise an alarm.

In January 2015 — shortly after samples from a village well came back showing levels of PFOA that exceeded a federal advisory — the state health agency told village officials the tainted water "does not constitute an immediate health hazard," referring to state standards for contaminants.

Testing of wells near the plant in the summer and fall of 2015 showed more troubling signs, including a sample at 45 times the recommended short-term exposure. Those tests helped prompt an E.P.A. warning.

State officials still seemed cautious; in early December, the Department of Health put out a fact sheet saying "health effects are not expected to occur from normal use of the water," though it recommended that residents limit their exposure to PFOA.

Finally, after a public warning from the E.P.A. in mid-December, a state health department spokesman said residents should rely on bottled water. In late January, Mr. Cuomo announced the state Superfund designation and ordered the classification of PFOA as hazardous.

Photo A water wellhead in Hoosick Falls. The state environmental agency has tested private wells in the village for the contaminant. Credit Nathaniel Brooks for The New York Times

In defending their response, state officials pointed out that in 2009, the E.P.A. issued a provisional health advisory on PFOA, placing the safe level for drinking water at 400 parts per trillion. Just after the governor's announcement of a state Superfund in Hoosick Falls, the federal agency recommended a much lower level: 100 parts per trillion, a move an E.P.A. spokeswoman, Mary Mears, said it made "out of an abundance of caution." That level could change again this spring, when the agency is expected to issue its guidelines on long-term exposure.

As of now, the E.P.A. has said PFOA is known to cause developmental and other adverse effects in laboratory animals, but the agency has yet to determine if the chemical poses an unreasonable risk to the public.

Some local residents, however, have made up their own minds. "It's disgusting," said Kimberly Cooley, 46, who moved here in 2000. "They knew about in 2014, and nobody told us about it."

Like many here, Ms. Cooley said she had long been suspicious about the water, and the environment, in Hoosick Falls. Tales of strange-smelling tap water and river rocks coated in orange goo are traded around town, as are unsubstantiated suspicions about illegal dumping and runoff from landfill sites.

Anecdotal accounts of serious, sometimes mysterious illnesses are also common here. Ms. Cooley said that she had her thyroid removed in 2011 after developing cancer, and that she was watching anxiously as her 18-year-old son, Mitchell, has recently developed a lump in his upper chest.

"He's afraid," she said.

Hoosick Falls's association with plastics stems in large part from Dodge Industries, an Eisenhower-era company that produced a variety of Teflon products — fabric, foil, even yarn — in a plant near the Hoosic River.

For decades, the plant was a seemingly benign neighbor, providing good jobs in an area where factories closed more often than they opened. Local residents recall using large pieces of Teflon as sleds on snowy days, and playing on Little League fields just beyond the plant.

Photo Mayor David Borge of Hoosick Falls. "Nobody turned a blind eye, nobody was slow to the draw," he said of the response. Credit Nathaniel Brooks for The New York Times

Today, however, the soil at those fields is being tested, even as a new filtration system is installed at the nearby water-treatment plant.

Since discovery of the contamination, Saint-Gobain has been paying for bottled water for the town — stacked high in the aisles of a local supermarket — as well as a new carbon-filtration system for the village, at an estimated cost of more than \$3 million.

Dina Silver Pokedoff, a spokeswoman for Saint-Gobain, said the company was cooperating "with federal, state and local authorities to review all studies, analyze all options and focus on the most important goal: to ensure the people of Hoosick Falls have a safe and healthy place to call home."

The village's mayor, David Borge, said he was satisfied with the state's response to the crisis and defended his actions since learning of the contamination.

"Nobody turned a blind eye, nobody was slow to the draw," said Mr. Borge, a retired New York State employee who has lived in Hoosick Falls for 31 years. "Once this was brought to our

attention, we started researching, we talked to the Health Department, we said, 'What do we do?' "

"We are not going to become synonymous with disaster," he added.

Some in the village may dispute that assessment. The man credited with bringing the PFOA issue to light in Hoosick Falls, Michael Hickey, did so after his father died of kidney cancer in 2013.

Shortly after that, Mr. Hickey said, he began to investigate PFOA. In his research, he found a report from a panel of scientists that investigated the chemical's impact in Ohio and West Virginia and identified a probable link with kidney cancer.

Later, Mr. Hickey tested water from his sink and his mother's house and sent them to a private lab in Canada for analysis.

"I was hoping to be able to dismiss it," said Mr. Hickey, 37, who lives in Hoosick Falls and works as an insurance underwriter in Albany. But both samples came back at levels higher than the E.P.A.'s safe level.

"I thought, 'We need to notify people,' " he said. " 'This is really bad.' "

Times Union

## **North Bennington finds PFOA in wells**

### **Saint-Gobain closed ChemFab plant there in 2002**

By Lauren Stanforth

Updated 6:36 am, Monday, February 29, 2016

North Bennington

This Vermont village is the latest municipality to sound an alarm about a possible carcinogen in its drinking water after finding perfluorooctanoic acid, or PFOA, in private wells.

Sparked by news coverage of PFOA tainting the village of Hoosick Falls' water supply eight miles away, Vermont Gov. Peter Shumlin said late last week that the Vermont Department of Environmental Conservation tested five wells in the village and in the town of Bennington and found elevated levels of PFOA in and around a former manufacturing plant on Water Street. One residential well tested at 2,880 parts per trillion — when the U.S. Environmental Protection Agency's current standard is 100 ppt. The Vermont Department of Health said it set its drinking limit for PFOA at 20 parts per trillion.

A second community meeting will be held Monday night at North Bennington Fire Station to address residents' questions.

Interest in Vermont testing arose also because the former ChemFab plant there was last owned by Saint-Gobain Performance Plastics, the same company that New York state has said is potentially responsible for the PFOA contamination in Hoosick Falls; Honeywell International has also been cited in Hoosick Falls. Wells in the town of Hoosick and water systems in nearby Petersburg, Rensselaer County — where a Taconic Plastics plant is located — have also tested positive for the chemical, a man-made substance that is used to create nonstick coating and make other products heat-resistant and water-repellent. Saint-Gobain closed the North Bennington factory in 2002. The company said it began reducing PFOA use in 2003.

The state of Vermont has told people who are not on the North Bennington or Bennington municipal water systems, who live within a mile-and-a-half of the plant, to use only bottled water for drinking, cooking and brushing teeth. The Vermont Department of Environmental

Conservation is distributing water. The village's water tested negative for heightened levels of the chemical. The state is planning more testing.

PFOA, while phased out of manufacturing at the EPA's urging a decade ago, is made to be durable and can persist in the environment. However, it is not a chemical that is part of standard water tests. Ingesting it could lead to health hazards, including adverse effects on infant and child development as well as rare forms of cancer.

The Times Union reported that New York state regulators learned about the possible presence of PFOA before the issue blew up publicly late last year — information was given to state officials as early as 2005 in Petersburg. State officials have said environmental laws and regulations in 2005 did not require any public notification or additional investigation.

The chemical was discovered in the village of Hoosick Falls' water system in 2014 by a private citizen, Michael Hickey, whose father, John, died of kidney cancer in 2013. The New York state Department of Health then downplayed concerns about PFOA — until the EPA recommended no one drink the water in Dec. 2015.

Now New York is making an emergency state Superfund allocation of \$10 million available to install filtration systems for 1,500 town of Hoosick homes. A temporary water filtration system in the village of Hoosick Falls, paid for by Saint-Gobain, should also be online in the next week, with a permanent filtration system in the works.

New York state officials have also said they are testing for PFOA in other surrounding communities to get a handle on the extent of PFOA contamination in drinking water.

Times Union

### **State was notified of PFOA pollution in Rensselaer County in 2005.**

### **DEC says regulations in 2005 did not require action on chemical**

By Brendan J. Lyons

Updated 3:23 am, Saturday, February 27, 2016

Exterior of the plastics company Taconic on Friday, Feb. 26, 2016 in Petersburg, N.Y. (Lori Van Buren / Times Union)

Petersburgh

A plastics company in Petersburg first alerted the state Department of Environmental Conservation in 2005 about its discovery of a toxic chemical in the groundwater around its plant on Route 22.

At the time, the discovery of the hazardous man-made chemical, perfluorooctanoic acid or PFOA, did not result in any public notification or additional investigation by the state, officials said. The U.S. Environmental Protection Agency has no record that the company or state DEC notified the federal agency about the situation at that time.

The company, Taconic, installed a carbon-filter system on the wells at its plant along the Little Hoosic River in 2005 after it said low levels of the chemical were discovered there. The company also provided alternative water treatment systems for nearby residents, a person briefed on the case said.

Taconic's plant on Route 22 near the Little Hoosic River makes specialty products including silicone-coated fabrics and tapes.

Late last month, company officials met privately with state regulators because of the earlier discovery and also due to the recent heightened interest in the chemical after it was discovered

in the Hoosick Falls village water system at levels the EPA said are not safe for human consumption. Following Taconic's meeting with state officials last month, there was again no public notification about the groundwater contamination at the Petersburg site. The water pollution at the Taconic site was first made public in a Feb. 13 Times Union story.

State officials said environmental laws and regulations in 2005 did not require any public notification or additional investigation.

"The company notified DEC about the PFOA groundwater issue in 2005, which at the time was not a regulated contaminant," said Emily DeSantis, a DEC spokeswoman. "DEC had no further communications about PFOA groundwater contamination with the company until Jan. 29, when the company alerted us to the past issue. We took immediate action."

## POLITICO

### **Cuomo aide blames EPA for inaction on water pollution in Petersburg**

By SCOTT WALDMAN

Feb. 26, 2016

HOOSICK FALLS — State officials said on Friday that they did not test water in Petersburg for the toxic chemical PFOA in 2014, even though a state employee privately raised the possibility of its presence in the water supply, because it was not on federal regulation lists.

POLITICO New York reported on Friday that a Department of Health staff member suspected that PFOA was being used at Taconic Plastics in Petersburg and emailed her concerns to three other officials in late 2014. Tests conducted more than a year later showed levels of PFOA — which has been linked to kidney and testicular cancer and thyroid problems — in the town water supply that are just below the federal warning levels, and the state is now helping distribute bottled water throughout the town.

On Friday, at a quickly assembled press conference in Hoosick Falls, state director of operations Jim Malatras said officials did not act in Petersburg, just 10 miles away, because PFOA was not on a federal watch list. He characterized the email as a staff member's inquiry, not an official report that the water was polluted.

"It wasn't a report, let's just say what it was, because the facts are important here," Malatras said. "A staffer was looking at the Hoosick Falls situation because the DOH was involved. They then said we're going to look upstream for other facilities, which they did. They checked a federal [EPA] list. They checked the list to see if PFOA was even listed, which it wasn't. So it wasn't that the staffer saw a list and said PFOA is on the list and didn't respond."

State health commissioner Dr. Howard Zucker said the state health department did not test for PFOA in Petersburg, even out of an abundance of caution, because the pollutant was not on a list of federally regulated chemicals.

"In 2014, the person in the email looked into that, and said it's not on the list of substances," he said. "There's a lot of different substances that are out there."

In early 2014, months before the DOH staff member suggested the possible use of PFOA in Petersburg in the email with colleagues, the federal Environmental Protection Agency already had issued a guideline on the pollutant, ruling that it could be dangerous to humans.

Federal regulators described PFOA as "a chemical or material that is characterized by a perceived, potential, or real threat to human health or the environment or by a lack of published health standards" in the March 2014 document.

Also on Friday, state officials announced that dozens of private wells in Hoosick Falls have tested positive for PFOA pollution.

At least one well in Hoosick Falls tested at 30 times the state limit, and others tested at 10 times the EPA's recommended limit of 100 parts per trillion, according to records obtained by POLITICO New York.

The state has conducted 176 water well tests, Malatras said, and 24 wells tested above the EPA's limit of 100 parts per trillion. The state is now working to install water treatment systems in all of those homes, at no cost to the homeowner, he said, adding that the state has received almost 300 requests so far to test drinking water wells. The state has also conducted almost 500 blood samples from residents of the town, according to Malatras, a top aide to Gov. Andrew Cuomo.

A temporary filter on the town's water supply has now been installed, though it will be flushed over the next few days and results will be discussed. Cuomo has not gone to Hoosick Falls in neighboring Rensselaer County since the water crisis was revealed, but he said he expects to come within the next few weeks.

During the news conference, state Department of Environmental Conservation and Department of Health officials reprised their explanations for the state's policy over the last year. When asked why the health department didn't act more swiftly even as the town's water supply showed troubling levels of PFOA, health commissioner Dr. Howard Zucker again blamed the EPA's change in its guidance for PFOA from 400 parts per trillion to 100 parts per trillion.

DEC commissioner Basil Seggos said the state is still trying to determine how long the water has been polluted in Hoosick Falls, and how far the pollution extends. The state also has tested for PFOA pollution in the town of Berlin, also in Rensselaer County, but the results were not positive for PFOA.

Times Union

## **New York state agency quiets health alarms, including tainted water**

### **Agency shows tepid response to hazards, including downplaying Hoosick Falls crisis**

By Brendan J. Lyons

Updated 8:59 am, Sunday, February 28, 2016

Lloyd Wilson, right, who works for the state's Center for Environmental Health, handed out "fact sheets" at a Dec. 2 public meeting in Hoosick Falls. Two weeks later, after widening criticism of the state's handling of the case, the unit revised its position on the potential dangers of a toxic chemical found in the village's public water supply. (Michael P. Farrell/Times Union) less

#### **Hoosick Falls**

Six months after the discovery of a toxic chemical in Hoosick Falls' public water supply, the state Center for Environmental Health drafted a one-page advisory that declared the situation "does not constitute an immediate health hazard."

The directive would later bring intense scrutiny on the agency tasked with protecting the public's health. But it wasn't the first time the 36-year-old CEH, an arm of the state Health Department, has downplayed the severity of an environmental hazard.

Dr. Howard A. Freed, who was director of CEH for four years until 2012, said he was not surprised by the office's strategy. "I'd be stunned if they hadn't done that," he said. "It's what they do and who they are."

The CEH's advisory was sent to village residents in January 2015, after months of internal debate among state and county health officials over what to tell the public about the tainted water supply. The one-page document attached to the residents' water bill that month said the hazardous chemical — perfluorooctanoic acid or PFOA — was detected at levels "at least 50,000 times lower than PFOA exposures that are known to cause health effects in animals."

The agency's statement ignored a much lower threshold recommended by the U.S. Environmental Protection Agency, and it dismissed as "not strong enough" a series of groundbreaking human studies that found a "probable" link between PFOA exposure and certain types of cancer and thyroid diseases.

Freed's perspective mirrors the sentiment of a clandestine internal memo that he said was given to him soon after he was appointed director of CEH in August 2008.

The eight-page memo, which Freed believes was written by a former scientist in the unit, outlines a series of public-health crises that were allegedly mishandled by CEH dating back years. They range from the Health Department's tepid response to the air pollution created by the collapse of the World Trade Center during the 2001 terrorist attacks, to the agency's position on trichloroethylene or TCE, a colorless and toxic solvent that's been widely used to remove grease from metal in manufacturing processes.

The memo said CEH understated the health risks of TCE contamination near IBM facilities in Dutchess and Broome counties, in part, "based on an estimation of the number of homes that would require remediation."

In another incident, CEH downplayed the health risks to the public after a severe chemical release at the former Diaz Chemical Company in Orleans County in January 2002. The plant's factory in the village of Holley would later be declared a federal Superfund site, and in 2005 the EPA purchased eight nearby homes whose owners refused to return after the incident.

"The chemicals rained down on houses, lawns, and children's playgrounds, resulting in residents self-evacuation of the area due to strong odors and health concerns," the CEH memo states. "When the health department reluctantly got involved weeks after the initial incident, it downplayed the risks saying that not much was known about this particular chemical."

Freed said the CEH, headquartered in the Corning Tower at the Empire State Plaza in Albany, is "filled with ethical and well-meaning scientists."

"They're not complicit with industry, they're not bought off and no one is telling them to put their thumb on the scale," he said. "It's just that they are by nature minimizers. The result comes out consistent with what the industry would want."

A former longtime public health scientist in CEH, who agreed to be interviewed on the condition of anonymity, reviewed the memo at the request of the Times Union. The scientist said CEH's lack of decision-making is often tied to the belief that the public wouldn't understand the nuances of their assessments and overreact.

"In terms of the general, I guess you would call it culture, I think part of it is that the Health Department is extremely careful with their reviews and these things take time," the scientist said. "But I would agree with some of the assessments within this memo, that DOH tends to not want to worry people. Until they are absolutely sure — and these kind of things probably never reach absolute certainty — they tend to mull things over for a long time."

Although much of the information in the memo is dated, the scientist said it's accurate that the CEH was often reluctant to release final documents or scientific studies that would become a benchmark for public health standards across the state.

"Things would get stuck in the building and never emerge," the scientist said. "It was frustrating on the part of the scientists who work there and really had their hearts and minds in the right places."

The former scientist said it wasn't just about staying off the radar or downplaying potential health crises.

"It wasn't simply a management practice or edict to protect some business interest," the scientist said. "I think the third category is really that they didn't want to upset people. They didn't want to bring up an issue that they felt would scare the public, and so they tended to just back off of those things. ... The main problem at CEH is the lack of decision-making to protect public health, and downplaying potential risks."

In the Hoosick Falls' case, the CEH's position on the dangers of PFOA in the public and private drinking water supplies was one of caution, not alarm.

At a public informational meeting in the basement of a village church in early December, two CEH employees, including a toxicologist, handed out "fact sheets" that posed the question: "Are health effects expected given the PFOA levels found in the Hoosick Falls Public Water System?"

The answer: "No. Based on our evaluation using data collected by NYS DOH in the summer of 2015, we do not expect health effects to occur from normal use of the water if PFOA levels in the past were similar to those seen in 2015, and future PFOA levels decrease or remain the same."

Three weeks later, after the Times Union published a story that raised questions about the lack of warnings given to the public, the Health Department issued a revised fact sheet in which the word "no" was removed from that portion of the document.

The revised fact sheet also retooled another section about the steps the public could take to reduce exposure to PFOA. Instead of saying "people may consider use of bottled water for drinking and food preparation," the revised statement read: "(P)eople should use bottled water for drinking and food preparation or install water filters."

Another case cited in the memo involved the former Answers municipal-waste incineration plant in Albany. Emissions from the former plant were once a cause of wide concern; a fine dust often settled in the neighborhood around the plant located a short distance from the Capitol.

"CEH staff spent years evaluating various emissions of metals and other contaminants in an effort to assist (the Department of Environmental Conservation) in setting emission standards," the memo said. "Despite hard work by the staff level scientists, these 'criteria documents' were never published either in-house or in peer-reviewed journals, and were never provided to DEC."

The detailed memo's author offered a theory on why the studies were buried.

"They are afraid to 'find a problem' and panic the population or have their work used as a justification for remediation of a problem," it said. "If CEH actually undertakes a health study several delaying tactics can be used during the internal review process. One approach is never to complete the study and keep it perpetually under revision for years until the problem goes away or the population under study or their advocates lose interest."

James C. Plastiras, a Health Department spokesman, disputed the memo's characterization as "categorically untrue."

He said the document "does not reflect the reality of this department, or this administration, which no one can accuse of being complacent. The facts are that CEH routinely investigates and takes actions in response to many types of potential personal and public health threats. In the last year alone, the division has published 30 studies."

In response to questions about CEH's handling of the Hoosick Falls situation, including the agency's decision to ignore the EPA advisories, Plastiras said the state agency "has abided by the same standards and advisory guidelines set by the EPA."

"CEH advised people to minimize their exposure to PFOA," he said. "Further, CEH advised the town and village that steps should be taken to determine the source of contamination and remove PFOA from the water supply. Regarding the question of potential health effects, CEH relied on the best available scientific data, examined dozens of studies ... and followed standard and valid risk assessment approaches to reach its conclusions. At the same time, the best available science indicated that, given exposure levels in Hoosick Falls, health effects are not expected."

The agency's written response to questions did not note that the "fact sheet" issued to the public 14 months ago in Hoosick Falls also included an "important point" stating that "health effects are not expected to occur from normal use of the water." The agency has since rescinded that information.

But not every crisis where CEH may have pulled a punch involved a public health hazard.

Freed said that in 2011, scientists in the CEH wanted to come to the rescue of a superintendent in Le Roy, a small town in Genesee County, where school officials were being assailed after 20 high school girls became afflicted with a bizarre case of uncontrollable twitching. Initially, environmentalists and many parents laid blame on some unknown environmental toxin at the school, although many others, including the state Health Department, attributed the condition to a psychological stress disorder.

"CEH knew for sure that it had nothing to do with any environmental toxin, and wanted to come to (the school superintendent's) rescue," Freed said. "There is no toxin known to mankind that affects only teenage girls. We prepared a packet of information for the superintendent including FAQs and a fact sheet for the community.

"Word came down from up above that we were not to help her or the community in any way," he said. "We were explicitly forbidden from contacting the school superintendent and/or the community or giving them any of the health information we had prepared for them. I never did find out why they would give me such an unusual direct order not to help a community, but it must have been something political."

Opinion

Times Union

**LeBrun: What's the state's ethical mandate in water crises?**

Fred LeBrun

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Oddly, that perpetually boiling over issue of ethical standards here in Planet Albany seems to have been cautiously moved to a back burner, if not off the stove entirely.

Although it's always struck me as strange that what drives the train for ethical reform in state government and has for years isn't ethical misconduct at all.

Rather, it's downright baldly illegal doings that send practitioners to jail, acts that are already amply covered for the most part by any number of prohibitive statutes.

Not that these laws shouldn't be ramped up to meet the needs of modern political corruption, but ethical lapses and illegalities are different breeds that sometimes run on the same track, but often don't.

We are surrounded by questionable ethical conduct that does not rise to illegality.

Equally odd is that, according to Gov. Andrew Cuomo, the full force of ethical reform should fall on the Legislature because some legislators, and only they, are the ones getting caught, indicted, tried and generally convicted of crimes of corruption.

The governor's logic is truly squishy, although I suspect he would merely toss off the obvious differences to semantics.

That's what he did last week, claiming mere semantics, in the continuing saga of Hoosick Falls' water quality debacle when he deliberately confused the EPA's guidance for the maximum allowable perfluorooctanoic acid (PFOA) short term exposure in drinking water, 400 parts per trillion, and long term, 100 ppt, and got caught at it by a reporter.

He claimed that because the EPA only recently came up with the 100 ppt, his Health Department couldn't have responded any quicker.

Except the 400 ppt has been clearly labeled for some time as maximum exposure for short term only, and PFOA has quite likely been in the Hoosick Falls public water system and nearby private wells since the mid-1950s. That certainly redefines "short term."

What the governor's assertion underscores, as do a number of government emails and communications that have surfaced concerning the Hoosick Falls debacle, is that the administration is going to lean on a narrow legal defense for what it did and didn't do when the PFOA hit the fan.

They'll claim that because the toxic compound PFOA is unregulated, its health consequences are unclear, and so is enforcement against it, or the need to even inform the public of its presence.

Now that the Saint-Gobain Performance Plastic site has been declared a Superfund site specifically because of PFOA and the feds and state are all over it, that strategy seems rather disdainful of the public's justifiable anxiety and concerns.

It's also poppycock, because peer-reviewed public health risks were well-established for various concentrations of PFOA at least four years ago. And by the way, they are scary.

But the larger point, and one I hope the coming Assembly hearings on statewide water quality issues will pursue diligently, is establishing from this administration and its Health Department what, as the guardians of our public health, they consider their ethical mandate to the citizens of the state to be? Do only legal requirements prevail, legal standards of enforcement? What does it take to trigger public acknowledgment that we may have a problem here?

So now we play hopscotch with PFOA contamination as if the state is just now discovering there may be other sites. Petersburg, the Little Hoosick, nearby Bennington, and, I'm told, Glens Falls could show up on that radar as well. But what about statewide?

Does the Health Department now have a moral responsibility to contact every community where it is known or suspected PFOA has been or is being used?

One would think so.

Ethics in governance is the challenge here, and Cuomo can take the lawyerly tack he has so far, or he can, as he has from time to time when it fits with his plans, forsake the bull's tail and grab the horns.

Last week, three of our local legislators, at the behest of a cadre of our leading lawyers, introduced a bill that would extend deadlines for filing lawsuits and claims from victims of environmental contamination such as what has occurred in Hoosick Falls. It is, as Assemblyman John McDonald, D-Cohoes, a pharmacist by trade, said, the right thing to do. Attorney E. Stewart Jones, speaking also for colleagues Steve Coffey, Don Boyagian, and a couple of Hoosick Falls lawyers, Ed Gorman and D.J. Tate, stressed that the statute of limitations in the present law could well deprive those with deserving claims, or their families, from ever knowing justice.

The right thing to do. How quaint that sounds and so out of place for Planet Albany, but entirely appropriate.

Last week New York's first Department of Environmental Conservation commissioner, Henry Diamond, died.

He was a charismatic force in the three years he was in Albany, beginning in 1970, creating an agency that didn't exist in any other state, nor even in Washington, D.C. He brought a civil rights fervor to emerging environmentalism, and set the standard for all DEC commissioners who followed. Just as his boss, Nelson Rockefeller, set the standard for governors since.

I wonder what either Rockefeller or Diamond would make of Hoosick Falls, and state government's failure protect its citizens from the toxic corruption of industrial waste.

I want to believe they would have made the heavens tremble, without a federal prosecutor like Preet Bharara even looking over their shoulders.

WAMC

### **State Officials Continue Testing For PFOA In Hoosick Falls Waters**

By Lucas Willard • Feb 27, 2016

New York State officials are continuing to test public and private wells in the Rensselaer County community of Hoosick Falls as the village is beginning to flush contaminants from its water system.

On Friday, the state Department of Health announced of 145 wells screened for the chemical PFOA, 42 wells tested above the U.S. EPA threshold of 100 parts per trillion. Well testing is scheduled to continue.

Chronic exposure to the chemical has been linked to ill-health effects including cancer.

DEC Acting Commissioner Basil Seggos said the agency is "moving as swiftly as possible" to install filtration systems on private wells.

State Health Commissioner Howard Zucker said the state is making "significant progress" in locating a new water source for the village.

WRGB

### **Youth sports to be played on Hoosick Falls Central School Campus**

By WRGB Staff |Friday, February 26th 2016

HOOSICK FALLS - The Hoosick Falls Central School District is offering youth sports in the Hoosick Falls area a place to play for 2016.

Contamination issues are investigated at the fields on Water Works Road and the Athletic Fields near the community pool in the Village of Hoosick Falls, leaving seasonal youth sports up in the air.

The Hoosick Falls Central School District met with village and town officials, Hoosac School, the leadership of Hoosick Falls Youth Baseball & Softball, and the leadership of the Hoosick Falls Youth Football & Cheerleading (Pee Wee Football) to plan for alternate locations for youth sports.

Organizers say the goal was to make sure that children have a safe play to play, and keep the youth sports within the town limits.

Ted Senecal Jr., President of the Hoosick Falls Youth Baseball & Softball, said, "Over the past several weeks, the Town of Hoosick Youth Baseball & Softball Board members have been fielding questions from concerned parents about the presence of PFOA at the ball fields. We have been working with the EPA to understand potential outcomes of the soil testing performed at the baseball/softball fields. We have also reached out to our community and neighboring towns to understand what options we have available should the results of the soil samples negatively impact our ability to play ball at our fields this season. Following these discussions, we have decided not to wait until we hear back from the EPA (estimated time frame is early April) to proceed with planning for activities this season, which has resulted in the decision to play baseball/softball at Hoosick Falls Central School for the 2016 season."

Organizers say that while using Hoosick Falls School campus for 2016 is a solution, plans are set in motion if the EPA testing reveals contamination in the current fields show contamination.

## **Flushing of Hoosick Falls water system underway as state identifies new water sources**

By newsroom

troyrecord on

Posted: 02/28/16

HOOSICK FALLS >> As state and local officials move forward with efforts to address contamination of the village's water supply, two local legislators want to make it easier for residents sickened by the water to take legal action.

The heads of the state departments of Health and Environmental Conservation were back in the village Friday to update local officials on their efforts to address potentially unsafe levels of perfluorooctanoic acid that resulted in residents being told not to use municipal water for drinking, cooking or bathing. One day before the village began flushing its water system after the installation of a new carbon treatment system to remove PFOA, state Health Commissioner Dr. Howard Zucker and acting Department of Environmental Conservation Commissioner Basil Seggos met behind closed doors with local leaders to apprise them of efforts including the identification of a new source for the village water system and the installation of filters for homeowners with private wells that have also become contaminated.

"The state is making significant progress on multiple fronts to bring safe drinking water to the Hoosick Falls area," Seggos said in a joint news release from the state agencies. "[The state] DEC is moving as swiftly as possible to install filtration systems on private wells and to complete the testing to ensure the water is safe to drink. In addition, the DEC will begin testing aquifers and other potential sources as we move forward with our study for an alternate water supply."

Samples last year from the village water system, which serves about 4,900 people, had PFOA levels that exceeded the federal Environmental Protection Agency's provisional health advisory of 400 parts per trillion in each liter of water. The EPA is considering regulating PFOA under the

federal Safe Drinking Water Act, and while the state Health Department initially declared village water safe to drink, the EPA recommended in December that it not be used for cooking or drinking and that private well owners have their water tested for contamination.

After the EPA stepped in, the state proclaimed the Saint-Gobain Performance Plastics plant on McCaffrey Street a Superfund site, eligible for state and federal assistance in cleanup efforts. The plant has been identified by state and federal agencies as the source of the contamination,

Among the information Zucker and Seggos shared with local leaders Friday, according to the release, was that testing of private wells in the vicinity of the Saint-Gobain plant found only about one-third had contamination of more than 100 parts per trillion, the latest advisory level set by the EPA at which the water would be considered unsafe. Of 145 wells tested over the past month, 41 were identified as having a negligible level of PFOA (less than 2 parts per trillion), while another 62 tested under the federal advisory level and 42 exceeded 100 parts per trillion.

At the same time, the state Health Department is continuing to offer blood tests to residents in the affected area, with more than 435 samples taken to date. Officials said test results will be provided individually once they have been analyzed for the presence of PFOA.

Installation of a temporary carbon filtration system was completed last week at the village's water treatment plant, and flushing of water lines to remove contaminated water was to begin over the weekend. State officials said the flushing will be done neighborhood by neighborhood to keep from overwhelming the system and ensure contaminants are removed.

Once the lines are flushed in a particular neighborhood, residents will be advised to flush the pipes in their homes and provided with detailed instructions. Residents may experience some loss of pressure during the flushing of the system, as well as some discoloration, and samples will be taken of the water supply before, during and after the process and at various points throughout the system.

As state and local officials work to restore safe water, they also continue to seek a new permanent source for the system. DEC has identified a initial group of possible new groundwater sources, according to the news release, and will arrange with landowners for access so it can drill test holes to check the availability and quality of the water.

"By planning for a possible alternate water supply and providing free water sampling tests, blood screening and home water filtration systems for affected residents, [Gov. Andrew Cuomo] has shown he is committed to a long-term solution to the contamination," Zucker said in the news release.

Meanwhile, a pair of state legislators announced a proposal to provide assistance to those affected by the contamination. State Sen. Kathy Marchione, R-Halfmoon, and Assemblyman John McDonald, D-Cohoes, have introduced a bi-partisan bill that would allow individuals who have been sickened by exposure to toxic chemicals to bring a personal injury lawsuit within three years of the time an area linked to such contamination is designated as a Superfund site.

Under current state law, the three-year statute of limitations for such cases may have already run before it is ever known that illnesses may be linked to chemical contamination. In a joint news release, the local legislators said the bill would give those who became ill before the source of their injuries was known legal recourse after the existing statute of limitations has already expired.

"There shouldn't be a time limit on justice for families that were exposed to contaminated water," Marchione said. "This bipartisan legislation would ensure that families in the village of Hoosick Falls have more time to file a civil legal claim if they choose to do so. The legislation is a common-sense solution to ensure that families in Hoosick Falls, or any community that has a

Superfund site declaration, can fully pursue their options available through our civil legal process.”

What distinguishes Hoosick Falls from other exposure cases, the legislators said, is that some village residents had no idea they had even been exposed to any hazardous toxins until years after they had become sick. These individuals should not be denied legal recourse simply because the statute of limitations has run on a claim they never knew that they had, they said.

“For most of their lives, residents of Hoosick Falls, just like in many other communities, lived their lives doing everyday tasks such as brushing their teeth or drinking a cup of coffee unaware that they were consuming a potentially toxic substance,” McDonald said. “The intent of this bill is simple: to provide residents that are potentially impacted a path forward to seek relief if they were injured. It is right and just not only for those residents in Hoosick Falls, but in other communities where this potential issue or issues such as this could arise again.”

PFOA is a synthetic substance used in the manufacture of no-stick cookware, dental floss, electrical insulation, fabrics and other products. Chronic exposure has been linked to testicular cancer, kidney cancer, thyroid disease, high cholesterol, ulcerative colitis and pregnancy-induced hypertension. Studies suggest other possible health consequences, including a connection to pancreatic cancer.

## TIME WARNER CABLE NEWS

### **State Lawmakers Representing Hoosick Falls: Government Needs to Overhaul How it Targets Toxic Chemicals**

By Nick Reisman

Saturday, February 27, 2016 at 09:24 AM EST

HOOSICK FALLS, N.Y. -- The water contamination in Hoosick Falls has prompted the state's elected officials to address the significant difference between state and federal recommendations which is leading to confusion among residents and village leaders.

A bill introduced by Senator Kathy Marchione relates to the tolling of the statute of limitations relating to personal injury caused by contact with superfund site substances.

The contamination of drinking water in Hoosick Falls presented state and local officials with a problem: How can a little known and little understood chemical not officially considered a hazard be dealt with? State lawmakers who represent the village say the state government needs to overhaul how it targets toxic chemicals.

"At the very least we should expand our testing regime or testing methodology so that these communities can start testing their own water to see if that's in there," said Steve McLaughlin, R-Melrose.

Governor Andrew Cuomo's administration moved last month to declare the area a state superfund site so remediation can begin quickly. That came after the federal Environmental Protection Agency officially advised Hoosick Falls residents not to drink the water in December. It was a reversal from what the state Department of Health told village residents, that the drinking water was safe.

"When a chemical that is not on the hazardous list is identified, how do we go about, what are the steps a municipality would follow in order to be able to say this is a serious issue, we need you to review it and we need to have some decisions on what's the next course of action for us to take," said Marchione.

Key to warning residents was how the state classified the chemical PFOA. New York deemed drinking water safe with PFOAs at at below 50,000 parts per trillion. The EPA's was significantly lower: 400 parts per trillion. It's since dropped that number to 100.

"That's the part of the equation that is changing: What do you test for and what's an acceptable level? That's basically determined on the federal side," said Cuomo.

Cuomo's administration this month created a response team to handle water contamination issues when they arise: an action that comes after the first tests in Hoosick Falls showed contamination in October 2014. Emails dated two months later, show the state told the EPA that it considered the county health department, with vastly fewer resources, as the lead agency in the case. As late as January 2015, state health officials were telling the Rensselaer County Health Department that based on their regulations, the PFOA contamination "does not constitute an immediate health hazard."

"This could and very likely will play out in another community. In fact within a week I was proven right because we now have PFOAs in the water in Petersburg which right next to Hoosick Falls from a completely different factory," said McLaughlin.

State lawmakers are now planning hearings on water quality issues across the state, including in Hoosick Falls. They want to know if the state has what it needs in order to warn residents and respond quickly.

"I think if they don't have the resources to do that then they should have the resources to do that. We're talking about peoples' lives, we're talking about children's health. We're talking about water that people are drinking," said Marchione.

## TIME WARNER CABLE NEWS

### **Troubled Water: Hoosick Falls in Crisis**

By TWC News Staff

Sunday, February 28, 2016

26:35 Minutes

TWC NEWS VIDEO: In 2014, the Hoosick Falls' village board learned that its residents had consumed water with PFOA, a man-made chemical found in Teflon and microwave popcorn bags. Medical studies show its linked to cancer. It's unclear how PFOA got into the groundwater. In this special half-hour show, Time Warner Cable News takes a look at the water crisis in the small village of 3,500.

<http://www.twcnews.com/nys/capital-region/hoosick-falls-water-contamination/2016/02/28/troubled-water-hoosick-falls-in-crisis.html>

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